

Decision

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Berhanu Lemma, doing business as United Limou Service, to Transfer PSC Certificate 25579 to Four Point Transportation, LLC; and to establish a Zone of Rate Freedom.

Application 14-05-006
(Filed May 06, 2014)

D E C I S I O N G R A N T I N G A P P L I C A T I O N

Summary

This decision grants the application to transfer, pursuant to Pub. Util. Code §§ 851, et seq., a passenger stage corporation certificate from Berhanu Lemma, an individual doing business as United Limou Service, to Four Point Transportation, LLC. The Zone of Rate Freedom requested herein is granted.

Discussion

Berhanu Lemma, an individual (Transferor), is authorized by Decision (D.) 10-09-031 to operate as an on-call Passenger Stage Corporation (PSC) to transport passengers and their baggage on an on-call basis between San Diego International Airport (SAN) and other points in the City of San Diego, on the one hand, and points in Los Angeles, Orange, Riverside, and San Diego Counties, on the other hand. Transferor does business as United Limou Service.

The application requests approval to transfer certificate PSC-25579 from Transferor to Four Point Transportation, LLC (Four Point), a California limited liability company. No compensation will be paid by Four Point to the Transferor for the business and certificate because Transferor is the owner and manager of Four Point.

Applicant supplies staff with Exhibit F; an unaudited balance sheet as of March 18, 2014, for Four Point disclosing assets of \$45,200, zero liabilities, and net worth of \$45,200.

Exhibit G lists proposed fares and charges. Fares range from \$18 (SAN to Balboa Park) and \$225 (SAN to Anaheim).

Four Point seeks to establish a Zone of Rate Freedom (ZORF) of \$10 above and below the proposed fares. The minimum fare will be \$8.

Notice of filing of the application appeared in the Commission's Daily Calendar on May 7, 2014.

In Resolution ALJ 176-3336, dated May 15, 2014, the Commission preliminarily categorized this application as ratesetting and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, a public hearing is not necessary and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3336.

The transfer of the certificate will not be adverse to the public interest. Granting the transfer of the certificate does not change the service. Therefore, a California Environmental Quality Act review is not required because it can be seen with certainty that there is no possibility that granting the transfer of the certificate may have a significant effect on the environment.

Safety Considerations

In order to be authorized to commence operations as a PSC, the Applicant must comply with the following requirements in order to protect public safety: Proof of insurance pursuant to General Order Series 101, compliance with the controlled substance and alcohol testing program pursuant to Pub. Util. Code

§1032.1 and General Order Series 158, and enrollment in the pull notice system as required by Section 1808.1 of the Vehicle Code.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Denise Tyrrell is the assigned Examiner in this proceeding.

Findings of Fact

1. Transferor is operating as a PSC pursuant to D.10-09-031.
2. Transferor is the owner and manager of Four Point.
3. This application seeks approval to transfer certificate PSC-25579 from Transferor to Four Point.
4. The transfer of the certificate will not be adverse to the public interest.
5. Four Point requests a ZORF of \$10 above and below the fares proposed in the application. The minimum fare will be \$8.
6. No protest to the application has been filed.
7. Granting the transfer of the certificate does not change the service.

Conclusions of Law

1. A public hearing is not necessary.
2. The proposed transfer is in the public interest and should be authorized.
3. The request for a ZORF should be granted.
4. A California Environmental Quality Act review is not required because it can be seen with certainty that there is no possibility that granting the transfer of the certificate may have a significant effect on the environment.

5. Because the matter is uncontested, the decision should be effective immediately.

6. Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify these rights at any time.

O R D E R

IT IS ORDERED that:

1. A Certificate of public convenience and necessity (CPCN) is granted to Four Point Transportation, LLC, a California limited liability company (Four Point), authorizing Four Point to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code §226, to transport passengers and their baggage between the points and over the routes set forth in Appendix PSC-33868, subject to the conditions contained in the following Ordering Paragraphs. The CPCN to operate as PSC-33868 shall expire unless exercised within 120 days after the effective date of this decision.

2. Within 120 days from the effective date of this decision, Berhanu Lemma, an individual, may transfer the operative rights specified in this application to Four Point Transportation, LLC, subject to the conditions contained in the following Ordering Paragraphs.

3. Four Point Transportation, LLC, a California limited liability company, shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service within 120 days after this order is effective,

- c. Adopt Transferor's tariffs and timetables or issue new tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective and allow at least 10 days' notice to the Commission.
 - d. Comply with General Orders Series 101 and 158, and the California Highway Patrol safety rules.
 - e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
 - f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so. Failure to comply with this filing requirement will result in suspension and/or revocation of authority.
 - g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
 - h. Enroll all drivers in the Pull Notice System as required by Vehicle Code § 1808.1.
4. Four Point Transportation, LLC, is authorized to begin operations on or after the date that the Safety and Enforcement Division mails a notice to Four Point Transportation, LLC, that its evidence of insurance and other documents required by Ordering Paragraph No. 3 have been filed with the Commission and that the California Highway Patrol has approved the use of Four Point Transportation, LLC, vehicles for service.
5. Four Point Transportation, LLC, is authorized to establish a zone of rate freedom of \$10 above and below the proposed fares. The minimum fare will be \$8.
6. The certificate of public convenience and necessity (PSC-25579) granted to Berhanu Lemma, an individual, by Decision 10-09-031 is revoked on the date

Four Point Transportation, LLC, (PSC-33868) is notified that it may commence operations as provided in Ordering Paragraph No. 3.

7. Before beginning service to San Diego International Airport, Four Point Transportation, LLC (Transferee), shall notify the airport's governing body. Transferee shall not operate into or on airport property without authority from the airport's governing body.

8. The Application is granted as set forth above.

9. This proceeding is closed.

This order is effective today.

Dated , at San Francisco, California.

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-33868

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges.

All changes and amendments as authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

Supersedes the authority heretofore granted to
Berhanu Lemma, an individual, by Decision 10-09-031.

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SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS.

This certificate supersedes all passenger stage operative authority granted to Berhanu Lemma, an individual.

Four Point Transportation, LLC, a California limited liability company, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on an "on-call" basis between the points described in Section II, over the routes described in Section III, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- b. The term "on-call," as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- c. No passengers shall be transported except those having a point of origin or destination as described in Section IIB.
- d. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.

SECTION II. SERVICE AREA.

- A. Points in the Counties of San Diego, Los Angeles, Orange, and Riverside.
- B. San Diego International Airport (SAN)
 Los Angeles International Airport (LAX)
 John Wayne International Airport (SNA)
 San Diego Cruise Ship Terminal

SECTION III. ROUTE DESCRIPTION.

Route 1 – City of Orange

Commencing from SAN and the City of San Diego on the one hand, and points in IIA on the other hand, then over the most convenient streets, expressways, and highways to the Counties of Los Angeles, San Diego and Riverside, with intermediate stops at LAX and SNA along with the Cities of Oceanside and the Camp Pendleton Military Base, La Jolla, Del Mar, Carlsbad, San Diego, and SAN, Dana Point, San Clemente, Laguna Beach, Huntington Beach, Long Beach, Los Angeles and Santa Ana.

Route 2 – San Diego to Riverside

Commencing from SAN located in the City of San Diego, then over the most convenient streets, expressways, and highways to the County of Riverside, with intermediate stops in the Cities of Temecula, Murrieta, Hemet, Indio, Redlands and Riverside..

Route 3 – SAN to the County of San Diego and Los Angeles

Commencing from SAN to the Cities and Communities of San Diego County over the most convenient streets, expressways, and highways with stops in the Communities of San Diego, Imperial Beach, Coronado, Point Loma, La Mesa, Mission Valley, North Park, Spring Valley, Lakeside, Santee, Poway, Jamul, Escondido, MiraMesa, Vista, San Marcos, and Los Angeles.

SED/rff